

compressor station, complies with the noise level limits.

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DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

19 CFR Part 122

[CBP Dec. 07-83]

Technical Amendments to List of User Fee Airports

AGENCY: Customs and Border Protection, Department of Homeland Security.

ACTION: Final rule; technical amendments.

SUMMARY: This document amends the Customs and Border Protection (CBP) Regulations by revising the list of user fee airports to reflect those that have been currently designated by the Commissioner. User fee airports are those airports which, while not qualifying for designation as international or landing rights airports, have been approved by the Commissioner of CBP to receive, for a fee, the services of CBP officers for the processing of aircraft entering the United States, and the passengers and cargo of those aircraft.

DATES: *Effective Date:* October 23, 2007.

FOR FURTHER INFORMATION CONTACT: Michael Captain, Office of Field Operations, 703-261-8516.

SUPPLEMENTARY INFORMATION:

Background

Title 19, Code of Federal Regulations (CFR), sets forth at Part 122 regulations relating to the entry and clearance of aircraft in international commerce and the transportation of persons and cargo by aircraft in international commerce.

Generally, a civil aircraft arriving from a place outside of the United States is required to land at an airport designated as an international airport. Alternatively, the pilot of a civil aircraft may request permission to land at a specific airport, and, if landing rights are granted, the civil aircraft may land at that landing rights airport.

Section 236 of Pub. L. 98-573 (the Trade and Tariff Act of 1984), codified at 19 U.S.C. 58b, created an option for civil aircraft desiring to land at an airport other than an international airport or a landing rights airport. A civil aircraft arriving from a place

outside of the United States may ask for permission to land at an airport designated by the Secretary of Homeland Security¹ as a user fee airport.

Pursuant to 19 U.S.C. 58b, an airport may be designated as a user fee airport if the Commissioner of CBP as delegated by the Secretary of Homeland Security determines that the volume of business at the airport is insufficient to justify customs services at the airport and the governor of the state in which the airport is located approves the designation. Generally, the type of airport that would seek designation as a user fee airport would be one at which a company, such as an air courier service, has a specialized interest in regularly landing.

As the volume of business anticipated at this type of airport is insufficient to justify its designation as an international or landing rights airport, the availability of customs services is not paid for out of appropriations from the general treasury of the United States. Instead, customs services are provided on a fully reimbursable basis to be paid for by the user fee airport on behalf of the recipients of the services.

The fees which are to be charged at user fee airports, according to the statute, shall be paid by each person using the customs services at the airport and shall be in the amount equal to the expenses incurred by the Commissioner of CBP in providing customs services which are rendered to such person at such airport, including the salary and expenses of those employed by the Commissioner of CBP to provide the customs services. To implement this provision, generally, the airport seeking the designation as a user fee airport or that airport's authority agrees to pay a flat fee for which the users of the airport are to reimburse the airport/airport authority. The airport/airport authority agrees to set and periodically review the charges to ensure that they are in accord with the airport's expenses.

The Commissioner of CBP designates airports as user fee airports pursuant to 19 U.S.C. 58b. See 19 CFR 122.15. If the Commissioner decides that the conditions for designation as a user fee airport are satisfied, a Memorandum of Agreement (MOA) is executed between the Commissioner of CBP and the local responsible official signing on behalf of

the state, city or municipality in which the airport is located. In this manner, user fee airports are designated on a case-by-case basis. Section 19 CFR 122.15 sets forth the grounds for withdrawal of a user fee designation and sets forth the list of designated user fee airports. Periodically, CBP updates the list of user fee airports at 19 CFR 122.15(b) to reflect those that have been currently designated by the Commissioner. This document updates that list of user fee airports by adding new airports, deleting certain former airports, and reflecting changes that have occurred in the names of certain existing user fee airports.

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely lists those user fee airports already designated by the Commissioner of CBP in accordance with 19 U.S.C. 58b and neither imposes additional burdens on, nor takes away any existing rights or privileges from, the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary, and for the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

The Regulatory Flexibility Act and Executive Order 12866

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. This amendment does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

Signing Authority

This document is limited to technical corrections of CBP regulations. Accordingly, it is being signed under the authority of 19 CFR 0.1(b).

List of Subjects in 19 CFR Part 122

Air carriers, Aircraft, Airports, Customs duties and inspection, Freight.

Amendments to Regulations

■ Part 122, Code of Federal Regulations (19 CFR part 122) is amended as set forth below:

PART 122—AIR COMMERCE REGULATIONS

■ 1. The authority citation for part 122 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

■ 2. Section 122.15(b) is amended by revising the list of airports to read as follows:

¹ Sections 403(1) and 411 of the Homeland Security Act of 2002 ("the Act," Pub. L. 107-296) transferred the United States Customs Service and its functions from the Department of the Treasury to the Department of Homeland Security; pursuant to section 1502 of the Act, the President renamed the "Customs Service" as the "Bureau of Customs and Border Protection," also referred to as "CBP."

§ 122.15 User fee airports.

(b) List of user fee airports. * * *

* * * * *

Location	Name
Addison, Texas	Addison Airport.
Ardmore, Oklahoma	Ardmore Industrial Airpark.
Bakersfield, California	Meadows Field Airport.
Bedford, Massachusetts	L.G. Hanscom Field.
Broomfield, Colorado	Jefferson County Airport.
Carlsbad, California	McClellan-Palomar Airport.
Daytona Beach, Florida	Daytona Beach International Airport.
Decatur, Illinois	Decatur Airport.
Egg Harbor Township, New Jersey	Atlantic City International Airport.
Englewood, Colorado	Centennial Airport.
Fort Worth, Texas	Fort Worth Alliance Airport.
Fresno, California	Fresno Yosemite International Airport.
Gypsum, Colorado	Eagle County Regional Airport.
Hillsboro, Oregon	Hillsboro Airport.
Johnson City, New York	Binghamton Regional Airport.
Leesburg, Florida	Leesburg Regional Airport.
Lexington, Kentucky	Blue Grass Airport.
Manchester, New Hampshire	Manchester Airport.
Mascoutah, Illinois	MidAmerica St. Louis Airport.
McKinney, Texas	Collin County Regional Airport.
Melbourne, Florida	Melbourne Airport.
Mesa, Arizona	Williams Gateway Airport.
Midland, Texas	Midland International Airport.
Morristown, New Jersey	Morristown Municipal Airport.
Moses Lake, Washington	Grant County International Airport.
Myrtle Beach, South Carolina	Myrtle Beach International Airport.
Orlando, Florida	Orlando Executive Airport.
Palm Springs, California	Palm Springs International Airport.
Riverside, California	March Inland Port Airport.
Rochester, Minnesota	Rochester International Airport.
Rogers, Arkansas	Rogers Municipal Airport.
Roswell, New Mexico	Roswell Industrial Center.
San Bernardino, California	San Bernardino International Airport.
Santa Maria, California	Santa Maria Public Airport.
Sarasota, Florida	Sarasota/Bradenton International Airport.
Scottsdale, Arizona	Scottsdale Airport.
Sugar Land, Texas	Sugar Land Regional Airport.
Trenton, New Jersey	Trenton Mercer Airport.
Victorville, California	Southern California Logistics Airport.
Waterford, Michigan	Oakland County International Airport.
Waukegan, Illinois	Waukegan Regional Airport.
West Chicago, Illinois	Dupage County Airport.
Wheeling, Illinois	Chicago Executive Airport.
Wilmington, Ohio	Airborne Air Park Airport.
Yoder, Indiana	Fort Wayne International Airport.
Ypsilanti, Michigan	Willow Run Airport.

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Dated: October 18, 2007.

W. Ralph Basham,
*Commissioner, Customs and Border
 Protection.*

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**DEPARTMENT OF HOMELAND
 SECURITY**

Coast Guard

33 CFR Part 165

[Docket No. CGD01-07-145]

RIN 1625-AA00

**Safety Zone: Army Corps of Engineers
 Blasting and Dredging Operation,
 Boston Harbor, Boston, MA**

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is
 establishing temporary safety zones in
 Boston Harbor, Boston, Massachusetts,

for the Army Corps of Engineers (ACOE)
 blasting and dredging operation, to
 include the underwater blasting
 locations and the vessel transporting
 blasting material to and from the work
 sites, between October 5, 2007 and
 December 31, 2007. The zone
 temporarily closes all navigable waters
 of Boston Harbor within a four hundred
 (400) yard radius of the four underwater
 demolition sites located at approximate
 positions 42°20'05.5" N, 070°59'53.9" W,
 east-southeast of Castle Island;
 42°20'19.0" N, 070°58'46.5" W,
 President Roads Anchorage;
 42°21'15.80" N, 070°55'51.95" W, North
 Channel; 42°22'03.70" N, 070°55'18.83"
 W, North Channel, while blasting
 operations are occurring and a moving